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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,546

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Ryoichi Sasano

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KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
Suite 400
WASHINGTON, DC 20005

EXAMINER

THERKORN, ERNEST G

ART UNIT

PAPER NUMBER

1797

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,546	Applicant(s) SASANO ET AL.	
	Examiner Ernest G. Therkorn	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 8, 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claims 2 and 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2's "wherein the inner surface two cartridge bodies" appears to be identical to the last paragraph of claim 1. Inasmuch as a dependent claim is required to be narrower than the claim it depends from, the claim is considered to be indefinite because it is not clear what further limitation is added.

Claims 2 and 8-10 are rejected under 35 U.S.C. 112, fourth paragraph, as failing to further limit the subject matter claimed. Claim 2 would appear to repeat a limitation in claim 1. As such, the claim does not further limit the subject matter claimed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-10, and 12-16 are rejected under 35 U.S.C. 102(B) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Price (U.S. Patent No. 5,439,593). The claims are considered to read on Price (U.S. Patent No. 5,439,593). However, if a difference exists between the claims and Price (U.S. Patent No. 5,439,593), it would reside in optimizing the elements of Price (U.S. Patent No. 5,439,593). It would have been obvious to optimize the elements of Price (U.S. Patent No. 5,439,593) to enhance separation.

Claims 1, 3-10, and 12-16 are rejected under 35 U.S.C. 102(A and/or E) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cook (U.S. Patent No. 6,761,885). The claims are considered to read on Cook (U.S. Patent No. 6,761,885). However, if a difference exists between the claims and Cook (U.S. Patent No. 6,761,885), it would reside in optimizing the elements of Cook (U.S. Patent No. 6,761,885). It would have been obvious to optimize the elements of Cook (U.S. Patent No. 6,761,885) to enhance separation.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Price (U.S. Patent No. 5,439,593) or Cook (U.S. Patent No. 6,761,885) in view of either August (U.S. Patent No. 6,530,288) or Serenko (U.S. Patent No. 5,989,424). At best, the claim differs from either Price (U.S. Patent No. 5,439,593) or Cook (U.S. Patent No. 6,761,885) in reciting use of projections. August (U.S. Patent No. 6,530,288) (column 4, lines 30-44) discloses that use of projections support a frit and form channels. Serenko (U.S. Patent No. 5,989,424) (column 6, lines 16-44) discloses projections may be used to support a filter. It would have been obvious to use

projections in either Price (U.S. Patent No. 5,439,593) or Cook (U.S. Patent No. 6,761,885) either because August (U.S. Patent No. 6,530,288) (column 4, lines 30-44) discloses that use of projections support a frit and form channels or because Serenko (U.S. Patent No. 5,989,424) (column 6, lines 16-44) discloses projections may be used to support a filter.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable either Price (U.S. Patent No. 5,439,593) or Cook (U.S. Patent No. 6,761,885) in view of either August (U.S. Patent No. 6,530,288) or Serenko (U.S. Patent No. 5,989,424) as applied to claims 5 and 6 above, and further in view of each of Muller (U.S. Patent No. 4,732,687) and Radnoti (U.S. Patent No. 4,055,498). At best, the claims differ from either Price (U.S. Patent No. 5,439,593) or Cook (U.S. Patent No. 6,761,885) in view of either August (U.S. Patent No. 6,530,288) or Serenko (U.S. Patent No. 5,989,424) in reciting use of a removable portion. Muller (U.S. Patent No. 4,732,687) (column 3, line 62-column 4, line 5) discloses use of a screw connection allows exchanging the frit in a problem-free manner. Radnoti (U.S. Patent No. 4,055,498) (column 1, lines 25-35 and column 2, lines 16-25) discloses use of a screw cap allows replacement of a filter disc. It would have been obvious to have a removable portion in either Price (U.S. Patent No. 5,439,593) or Cook (U.S. Patent No. 6,761,885) in view of either August (U.S. Patent No. 6,530,288) or Serenko (U.S. Patent No. 5,989,424) either because Muller (U.S. Patent No. 4,732,687) (column 3, line 62-column 4, line 5) discloses use of a screw connection allows exchanging the frit in a problem-free manner or because Radnoti

(U.S. Patent No. 4,055,498) (column 1, lines 25-35 and column 2, lines 16-25) discloses use of a screw cap allows replacement of a filter disc.

The remarks urge patentability over Price (U.S. Patent No. 5,439,593) based upon the abutting portion supporting the frit. However, the limitation of an abutting portion supporting a frit would not appear to be claimed.

The remarks urge patentability over Price (U.S. Patent No. 5,439,593) based upon the abutting portion being flush. However, it would not appear as though two cartridges are claimed. Claim 1's recitation of "when inserting" would appear to be an intended use and does not require a second cartridge. As such, abutting and flush would not appear to be positive limitations because, with only one cartridge claimed, there is no abutting portion while being flush. In any event, as shown in Price (U.S. Patent No. 5,439,593)'s Figure 5, cap 3 forms an abutting portion. The outlet of one cartridge would appear to perfectly match the inlet of the next cartridge. It would appear to be flusher than applicants' abutting step part which projects into the interior of the cartridge.

The remarks urge patentability over Cook (U.S. Patent No. 6,761,885) based upon the abutting portion being substantially flush. However, Cook (U.S. Patent No. 6,761,885) on column 4, lines 11-22 discloses "the upper cavity portion 20 which is configured to interface with the male luer 60' of another column." As such, Cook (U.S. Patent No. 6,761,885) is considered to disclose a substantially flush abutting portion. This is particularly true because applicants' abutting step part projects into the interior of the cartridge.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ernest G. Therkorn/
Ernest G. Therkorn
Primary Examiner
Art Unit 1797

EGT October 14, 2008